MINUTES OF THE REGULAR MEETING OF THE SPRINGFIELD CITY COUNCIL HELD TUESDAY, JANUARY 17, 2006

The City of Springfield Council met in regular session in the Council Meeting Room, 225 Fifth Street, Springfield, Oregon, on Tuesday, January 17, 2006 at 7:04 p.m., with Mayor Leiken presiding.

<u>ATTENDANCE</u>

Present were Mayor Leiken and Councilors Ballew, Fitch, Ralston, Lundberg, Woodrow, and Pishioneri. Also present were Interim City Manager Cynthia Pappas, City Attorneys Joe Leahy and Meg Kieran, Finance Director Bob Duey, City Recorder Amy Sowa and members of the staff.

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Mayor Leiken.

SPRINGFIELD UPBEAT

1. Recognition of Travis Mitchell for Ten Years of Service to the City of Springfield.

Interim City Manager Cynthia Pappas introduced Travis Mitchell. She noted some of the events and changes Mr. Mitchell had experienced over the last ten years. She also noted comments from co-workers regarding Mr. Mitchell's work ethic and helpful attitude. She noted positive comments from outside agencies.

Mayor Leiken acknowledged all of the help Mr. Mitchell offers to city council as well.

2. Award of Plaque from VFW to the Springfield City Council.

Mr. Thomas Laing, from the Veterans of Foreign Wars (VFW) acknowledged the many folks in the City of Springfield. The plaque had the following inscribed, "Outstanding Achievement Award presented to City of Springfield for Service and Efforts Where they counted the Most. Veterans of Foreign Wars District 13, Vietnam Memorial Wall Experience 2005".

CONSENT CALENDAR

Councilor Lundberg asked to pull item 5.j.

IT WAS MOVED BY COUNCILOR WOODROW WITH A SECOND BY COUNCILOR LUNDBERG TO APPROVE THE CONSENT CALENDAR WITH ITEM 5.J. REMOVED. THE MOTION PASSED WITH A VOTE OF 6 FOR AND 0 AGAINST.

1. Claims

a. Approval of the November 2005, Disbursements for Approval.

b. Approval of the December 2005, Disbursements for Approval.

2. Minutes

- a. November 7, 2005 Regular Meeting
- b. November 14, 2005 Work Session
- c. November 21, 2005 Work Session
- d. November 21, 2005 Regular Meeting
- e. November 28, 2005 Work Session
- f. November 28, 2005 Special Regular Meeting
- g. December 5, 2005 Special Regular Meeting
- h. December 5, 2005 Council Goal Setting Work Session

3. Resolutions

a. RESOLUTION NO 06-01 – A RESOLUTION RECOMMENDING AND APPROVING AWARD BY THE LANE COUNTY BOARD OF COMMISSIONERS OF A CONSTRUCTION CONTRACT FOR THE MARTIN LUTHER KING, JR. LANDSCAPE PROJECT.

4. Ordinances

5. Other Routine Matters

- a. Approval of Liquor License Endorsement for Rodeo Steak House and Grill, Located at 1537 Mohawk Boulevard, Springfield, OR.
- b. Approval of Liquor License Endorsement for Phil's Clubhouse, Located at 1195 Main Street, Springfield, OR.
- c. Approval of Liquor License Endorsement for Jasper's, Located at 5608 Main Street, Springfield, OR.
- d. Approve the Amended Council Operating Policies and Procedures Document.
- e. Ratify the City Manager's Execution of Two Option Agreements and Payments for Property Options in Glenwood.
- f. Approval to Award the Contract for On-Call Traffic Signal Engineering Services to DKS Associates in the Amount of \$100,000.
- g. Approval to Permit Construction Activities Outside of the Hours of 7:00am to 6:00pm for the Oregon Department of Transportation (ODOT) Repairing Contact #13078, OR126: Jenkins Drive-Silver Creek, Between June 1, 2006 and August 31, 2006.
- h. Approval of Letter/Contract with Forest Service for the Construction of an Office Building on a Site Construction for the Oregon Department of the Military.
- i. Approval of Bank of the West Joint Use Facility Financing Proposal.

ITEMS REMOVED FROM THE CONSENT CALENDAR

5. j. Authorize the City Manager to Enter into a Contract with Liebert and Associates in the amount of \$86,600 for Design Phase Services to Implement the Approved Program Document for the Justice Center Project.

IT WAS MOVED BY COUNCILOR WOODROW WITH A SECOND BY COUNCILOR FITCH TO APPROVE ITEM 5.J. FROM THE CONSENT CALENDAR. THE MOTION PASSED WITH A VOTE OF 5 FOR AND 1 AGAINST (LUNDBERG).

Councilor Lundberg said she pulled the item to note that this was a new contract with someone the City already had a contract with for the design phases. She had some issues with the new contract and preferred to have this item voted on separately.

PUBLIC HEARINGS

1. Amendment of the Springfield Municipal Code Chapter 5.

ORDINANCE NO 1 – AN ORDINANCE AMENDING CHAPTER 5, "PUBLIC PROTECTION" OF THE SPRINGFIELD MUNICIPAL CODE ADDING A NEW ARTICLE "DRINKING WATER PROTECTION" (SECTIONS 5.800 ET SEQ.) SECTIONS 5.800, "INTENT", SECTION 5.810, "USES PROHIBITED", SECTION 5.820, "ENFORCEMENT", AND AMENDING SECTION 5.604(1)(A), "APPLICATION AND AMENDMENT" AND SECTION 5.606, "INFRACTION PROCEDURES" OF THE SPRINGFIELD MUNICIPAL CODE. (FIRST READING)

City Planner Sarah Summers presented the staff report on this item. The Drinking Water Protection (DWP) Plan, adopted in May, 1999, calls for a drinking water protection overlay district that applies to both existing and new businesses that use chemicals hazardous to groundwater and surface water. The proposed ordinance implements the section of the DWP Plan that calls for regulating existing business uses of these chemicals. New uses have been regulated since May, 2000.

The Drinking Water Protection Plan, the Drinking Water Overlay District, the DWP Plan Addendum (2002) for surface water, and the adoption of the DWP Plan by Lane County satisfy Springfield's Task 5 of the Periodic Review. Springfield's drinking water comes largely from groundwater aquifers and is a statewide Goal 5 resource which is required to be protected. The adopted DWP Plan states that the DWP Overlay District applies to regulation of both existing and new uses of materials hazardous to groundwater. New uses were regulated in Springfield Development Code (SDC) Article 17 when the Overlay District was adopted in May, 2000. The proposed Municipal Code ordinance applies regulations to existing uses as required in the DWP Plan.

Ms. Summers explained where the DWP ordinance originated. She discussed why the City of Springfield was now putting these regulations in place. She said as required in the DWP Plan, the proposed Municipal Code amendment would apply regulations found in Article 17 to existing uses of chemicals hazardous to groundwater or service water. The first part of the ordinance, Number One, referred to new uses which were already subject to the SDC Article 17. She said Number Two, amortized, referred to existing uses and applied to time-of-travel zones (TOTZ) in the zero to one, one to five, and five to ten year TOTZ only. She discussed the wells around the City and the aguifers. She said the purpose of the ordinance was to protect the City's water from contamination. Springfield Utility Board (SUB) would be working with all businesses that used the chemicals to help them provide the proper containment of chemicals and education for the employees who work with the chemicals. She said the ordinance provides a grace period of ten years in order for businesses that used the chemicals to meet the standards of Article 17. She said new businesses had been going through the process since 2000 and many existing businesses had been voluntarily upgrading their containment and/or switching to less toxic chemicals to lessen their liability. She encouraged businesses that would be affected by the ordinance to find out what TOTZ their property was in, which chemicals they had that were hazardous to groundwater

and what quantities they had of each, and read Article 17 carefully to understand what the standards would be and how they would be affected. Copies of the materials she referred to were available at the table near the entrance of the Council Chambers. She said if anyone needed more information or had any questions, they could contact the City or SUB. She entered two letters into the record: Correspondence from Chris Smith, CAS Properties, 133 SW Second Ave, Ste. 304, Portland, OR and Rich Locke, Vice President and General Manager of Voith Paper Rolls, 2885 Olympic Street, Springfield, OR.

Mayor Leiken opened the public hearing.

- 1. Gary Burnett, P.O. Box 7547, Eugene, OR. Mr. Burnett said he and his wife owned Gary Burnett Earth Moving, located at 3505 Commercial Street in Springfield. He said he was disappointed in the City because he received no notice about this ordinance. He said he planned on building another building on the property and this ordinance would have a bearing on whether or not they would build. He discussed what they had to go through with the Department of Environmental Quality (DEQ) to carry fuels and oils on their property. He discussed the large notebook with the DEQ requirements and noted that he had to fill out paperwork for DEQ each year. He said he wanted to keep the land clean. He said if he were to get rid of his tanks, he would probably use a card lock, but according to the ordinance, the card lock would not be allowed in that area. He asked why transformers and a substation were being put in next to the existing well if those that drew this up were worried about ground contamination.
- 2. Marshall W. Dannen, 1950 LakeView, Eugene, OR. Mr. Dannen said as the owner of a business, he believed in leadership by example. He said he was concerned with two issues with the City. He said the engineering department, to his knowledge, designed roads and stormwater systems. He said presently, the stormwater systems were all using butt joints, so any accidents or spills would go into the ground water. He said staff was not using the tight line system and put the City's drinking water at risk. He discussed what occurred if someone bought a five-gallon drum of paint stripper and it fell out of the pickup and spilled on the road. He was concerned that those chemicals would get into the city's stormwater and the City wouldn't have a way to protect the citizens. He said one department did things one way because of cost issues and the other department was requiring others to do something else to protect the environment. He said the City should lead by example.
- 3. Virgil Tracer, 3436 Olympic Street, Springfield, OR. Mr. Tracer said he was the owner of Tracer Truck Repair. Mr. Tracer said his business moved to this area because the city had zoned it an industrial area. He said the city then put wells in later. He said it seemed that the City was coming down on businesses and making things almost impossible to live with. He discussed the monitoring systems and the double and triple walled tanks available and did not understand why some of those ideas were not explored rather than adopting this. He said he was not for polluting the water, and didn't know of any business that wasn't trying to abide by all regulations to keep the water clean. He discussed the building he built at 1626 30th Street which was designed to self-contain any spills that occurred in the building. He said another issue was the City's fuel tanks which were off Marcola Road in the lowest, swampiest area. He said he understood the City was exempt from all the regulations, but that fuel could still get into the well if there was a spill. He said this needed to be explored more carefully before making a decision.
- 4. <u>Fred Simmons, 312 S. 52nd Place, Springfield, OR.</u> Mr. Simmons said the idea of groundwater protection was important, but this ordinance had implications that were not clearly spelled out. He said a paint stripper of a particular size could not be bought at

- Jerry's, but could be purchased at the Mohawk Bi-Mart. He said there were a substantial number of sites in the City that were filled with bag house fume from the old silicone plant. He discussed implications when transitioning the proposed ordinance into the existing category for places that had received DEQ approval at the time of creating the sites. He said the ordinance did protect the drinking water, but may have other complications for the city, the businesses and the property owners. He asked council to look carefully at the implications before adopting the ordinance in its final form. He discussed other businesses in the area that would experience economic issues if this ordinance were passed. He said the issues of unintended consequences without all of the facts could be very detrimental.
- 5. Larry Thorp, 1011 Harlow Road, Springfield, OR. Mr. Thorp, an attorney with Thorp, Purdy, Jewett, et al said he just got involved in this issue during the last two days. He asked if the record could be left open for a couple of weeks to allow them to look into this more and make comments. He said he agreed with Mr. Simmons that there were some implications that hadn't been flushed out. He also had questions about the procedure. He said when taking a quick glance at the proposed ordinance, something was missing. He discussed the purpose of Goal 5. He said Goal 5 was intended to protect Goal 5 resources, but at the same time, it was intended that Goal 5 resources be used in a way that they didn't interfere with other existing activities in the area and that's what would be happening here. He said Springfield would continue to grow and new well sites had been identified. He said the proposed ordinance lacked a prohibition on locating new well sites in areas where there would be a conflict with existing uses. He said that was a big issue for his client and others. Although some businesses may not be dramatically impacted by the ordinance as it was written and by the existing wells, their concern was new wells that could be drilled in the future. Those new wells should be sited where they would not conflict with other activities.
- 6. Terry Stafek, Stafek and Son Trucking, 3895 Commercial Avenue, Springfield, OR. Mr. Stafek said his dad started the business 40-45 years ago and the business had gone through a lot of upgrading and updating over those years. He said he didn't believe people realized how much regulation the trucking business had. He said his business had always tried to upgrade their property and equipment to comply with every standard. He said they had a 10,000 gallon underground storage which was glass lined and inspected about five years ago and was now earthquake-proof. He said all the other products used on their trucks were stored in the shop and was well contained. If there was a leak, it was contained and didn't get to the outside. He explained other safeguards they had in place to keep fuel from spilling. He said he couldn't understand why anyone would consider building new wells in that area because it was an industrial area. He said other areas should be considered to drill wells.
- 7. Bob Linahan, Springfield Utility Board (SUB), 2417 N. 17th Place, Springfield, OR. Mr. Linahan is the General Manager for SUB. He said he appreciated the work staff had done on this and noted that it was a very complex issue with no simple solution. He said regulations get more complex for the trucking industry and everyone else. He would like to recommend to Council that they postpone any decision on the ordinance until he had an opportunity to inform the SUB Board on this issue on February 8, 2006. He said something needed to be done. He discussed the transformer that SUB was installing on 28th and Olympic. He said substation sites were very difficult to get. He said during the planning stage they were required to put in secondary oil containment and were required to adhere to the same rules and regulations that any other industry with a site in Springfield would have to follow. He discussed other restraints that would not allow them to put a pole yard at a certain location. He said the protection of the City's water

was most important. He discussed the many wells throughout the City. He asked Council to delay their decision until February 21 and he would report to Council comments from the SUB Board.

Mr. Leahy said staff would recommend the public hearing be continued to February 21, to allow time for review of any variations.

IT WAS MOVED BY COUNCILOR WOODROW WITH A SECOND BY COUNCILOR LUNDBERG TO KEEP THE PUBLIC HEARING OPEN THROUGH FEBRUARY 21, 2006. THE MOTION PASSED WITH A VOTE OF 6 FOR AND 0 AGAINST.

Councilor Ballew said this was a dilemma. If there was not clean water to drink, no one would live here. She said, at the same time, businesses needed a way to make a living. She said she hoped something could be done to work through this.

Ms. Summers said all future wells were part of the re-zoning of the overlay district, such as the Pierce, which was not a well yet, but was delineated. She said that may answer Mr. Thorp and other's questions. She said the future wells were considered when it was rezoned.

Mayor Leiken continued the public hearing until February 21st. Both public comment and written testimony would be accepted until that date.

NO ACTION REQUESTED. FIRST READING ONLY.

2. Proposed Springfield Development Code (SDC) Amendments, Article 23.

ORDINANCE NO. 2 – AN ORDINANCE AMENDING THE SPRINGFIELD DEVELOPMENT CODE, ARTICLE 23 PLO PUBLIC LAND AND OPEN SPACE DISTRICT AND ADOPTING A SEVERABILITY CLAUSE.

City Planner Gary Karp presented the staff report on this item. On November 1, 2005 the Planning Commission voted (5-0, with 2 absent) to recommend adoption of the amendments, with revisions to the City Council. During the preparation of the Ordinance, staff had some concerns regarding the proposal to require Type III Discretionary Use approval for Justice Centers, fire stations, police stations including jails, and public transit facilities.

The staff report presented to the City Council on November 28, 2005 proposed an alternative to the Planning Commission's recommendation. The City Council directed staff to take the matter back to the Planning Commission for additional consideration. The City Council opened the public hearing and continued it until January 17, 2006.

On January 4, 2006 the Planning Commission held a work session and public hearing to reconsider the level of review for fire stations, police stations, including jails, and public transit facilities. The Planning Commission considered four review options: A) Retaining the Planning Commission's original recommendation to the City Council (Type III Discretionary Use approval), which utilizes the property owner/newspaper public hearing notice and allows for an appeal of the decision to the City Council and eventually the Land Use Board of Appeals; B) The original recommendation to the Planning Commission (a Type II Site Plan that the Development Services Director could raise to a Type III review before the Planning Commission on a case-by case basis); C) A modification of Option B that would require the Site Plan Review to be a Type

III review by the Planning Commission; and Option D) Allow the Justice Center to be listed as an outright permitted use with no Site Plan Review or discretionary review by the Director or Planning Commission and therefore there is no land use action to appeal. The Planning Commission discussed Options A and D. The Planning Commission initially voted 4 to 3 against Option D. The Planning Commission then voted 5 to 2 for Option A. The Planning Commission motion approving Option A added the term "Justice Center" to the use list and changed the term "police stations, including jail facilities" to "police satellite facilities". These two uses, as well as fire stations and public transit facilities, will be shown as "D" (Discretionary Use) on the use list. The attached Ordinance has been amended accordingly.

Mayor Leiken opened the public hearing.

No one appeared to speak.

Mayor Leiken closed the public hearing.

IT WAS MOVED BY COUNCILOR WOODROW WITH A SECOND BY COUNCILOR LUNDBERG TO APPROVE ORDINANCE NO. 2 AS PRESENTED BY THE PLANNING COMMISSION. THE MOTION PASSED WITH A VOTE OF 6 FOR AND 0 AGAINST.

A SECOND READING WILL BE HELD FOR FORMAL ADOPTION AS THERE HAD BEEN LANGUAGE CHANGES FROM THE FIRST READING ON NOVEMBER 28, 2005.

3. Proposed Springfield Development Code (SDC) Amendment, Section 5.090.

ORDINANCE NO. 6151 – AN ORDINANCE AMENDING THE SPRINGFIELD DEVELOPMENT CODE, SECTION 5.090 AND DECLARING AN EMERGENCY.

City Planner Gary Karp presented the staff report on this item. In July, 2005, the City Council approved the SDC "housekeeping" amendments by adopting Ordinance 6133. These amendments applied both within Springfield's city limits and its urbanizable area. The intergovernmental agreement between the City and Lane County, giving Springfield planning and building permit jurisdiction within its urbanizable area, requires the Lane County Board of Commissioners (Board) to also adopt the SDC "housekeeping" amendments.

Lane County's legislative approval process is similar to Springfield's. The Lane County Planning Commission (LCPC) must make a recommendation to the Board prior to the adoption of their ordinance.

In October 2005, staff presented the SDC "housekeeping" amendments to the LCPC. During the work session and public hearing, the LCPC raised a question regarding the status of transferability of BM 37 relief for the current property owner to a new property owner under the waiver of Code provisions. The LCPC believed there may be a conflict between Lane County's BM 37 ordinance in Lane Code, the City's BM 37 ordinance in the SMC and the City's "housekeeping" amendment to SDC Section 5.090. City staff told the LCPC that this issue would be researched and resolved prior to adoption of the SDC "housekeeping" amendments by the Board. After this discussion, the LCPC voted to recommend Board approval of the SDC "housekeeping" amendments.

City staff reviewed Lane Code and the SMC and found a minor amendment of Section 5.090 was in order. Staff returned to the Springfield Planning Commission on December 6, 2005 with the proposed amendment to SDC Section 5.090. The Planning Commission voted unanimously to recommend City Council adoption of the SDC amending Ordinance.

Staff is requesting an emergency clause because SDC "housekeeping" amendments are scheduled for adoption by the Board on February 15, 2006. Upon adoption of the attached Ordinance, it will be forwarded to the Lane County Board of Commissioners to be included in their ordinance adopting the SDC "housekeeping" amendments.

Mayor Leiken opened the public hearing.

No one appeared to speak.

Mayor Leiken closed the public hearing.

Councilor Ballew asked Mr. Leahy about the status of Ballot Measure 37 in the courts.

Mr. Leahy said they had oral arguments before the Supreme Court last week.

Councilor Ballew asked if the City was bound to follow the Attorney General opinions.

Mr. Leahy said they were not bound, but it was good advice to follow their opinions. He said the City followed the courts ahead of the Attorney General's opinion, but many times the Attorney General's opinion was based on court precedence. The amendment before Council brought into line what was done in the Municipal Code, but not in the Development Code.

IT WAS MOVED BY COUNCILOR WOODROW WITH A SECOND BY COUNCILOR LUNDBERG TO ADOPT ORDINANCE NO. 6151. THE MOTION PASSED WITH A VOTE OF 6 FOR AND 0 AGAINST.

4. Supplemental Budget Resolution.

RESOLUTION NO. 06-02 – A RESOLUTION ADJUSTING RESOURCES AND REQUIREMENTS IN THE REGIONAL WASTEWATER CAPITAL FUND, REGIONAL WASTEWATER IMPROVEMENTS SDC FUND, AND REGIONAL WASTEWATER FUND.

Budget Officer Bob Brew presented the staff report on this item. At various times during the fiscal year the Council is requested to make adjustments to the fiscal year budget to reflect needed changes in planned activities, to recognize new revenues, or to make other required adjustments. These adjustments to resources and requirements which change the current budget are processed through supplemental budget requests that the Finance Department schedules on an annual basis.

The attached is a special supplemental budget resolution prepared at the request of the Metropolitan Wastewater Management Commission (MWMC) to fund planned capital construction and provide staff to manage those projects.

The resolution in its current form was adopted by the MWMC at its regular meeting on December 15, 2005. An earlier version of the resolution was used in preparing the advertisement for this

public hearing. Total appropriations in the two versions are the same, but there is a modest change in the allocation between capital projects and reserves in the Regional Wastewater Capital Fund.

The supplemental budget being presented includes: adjusting resources and requirements in the Regional Wastewater Capital Fund, Regional Wastewater Improvement SDC Fund, and the Regional Wastewater Fund.

The City Council is asked to approve the attached Supplemental Budget Resolution.

The overall financial impact of the Supplemental Budget Resolution is to increase total appropriations by \$5,900,000.

Mr. Brew discussed the three areas of the budget affected. He noted that all three had been approved by the MWMC Commission. He said the first item combined some sub-projects and increased the scope to add some construction facilities. The second item added staffing to provide construction management for improvements at the water pollution control facility. He said it was brought before the Budget Committee on December 6, 2005. He said the third item was an increase of the budget for a capital project that came in higher than expected. Mr. Brew said Environmental Services Department (ESD) Manager Susie Smith and Assistant ESD/MWMC Manager Al Peroutka were available for technical questions.

Mayor Leiken opened the public hearing.

No one appeared to speak.

Mayor Leiken closed the public hearing.

IT WAS MOVED BY COUNCILOR WOODROW WITH A SECOND BY COUNCILOR LUNDBERG TO ADOPT RESOLUTION NO. 06-02. THE MOTION PASSED WITH A VOTE OF 6 FOR AND 0 AGAINST.

5. Annexation of Property Owned by Bruce Wiechert to the City of Springfield, Journal Number LRP2005-00010.

RESOLUTION NO. 06-03– A RESOLUTION INITIATING ANNEXATION OF CERTAIN TERRITORIES TO THE CITY OF SPRINGFIELD AND REQUESTING THAT THE LANE COUNTY LOCAL GOVERNMENT BOUNDARY COMMISSION APPROVE THE ANNEXATION BY EXPEDITED PROCESS.

City Planner Linda Pauly presented the staff report on this item. Bruce Wiechert, Owner, has requested annexation of approximately 23.22 acres of property located south of Jasper Road near 40th Place and Filbert Lane at the southerly limit of Springfield's UF-10 Urbanizable Fringe Overlay District. The subject territory is described as Assessor's Map Number, 18-02-06-41, Tax Lot 4800 and more accurately described in Attachment 1, Exhibit A.

The applicant requests annexation in order to seek development of single family residential uses, consistent with the standards of the Low Density Residential (LDR) zoning district. The proposed urban uses are not permitted in the Urbanizable Fringe Overlay District, thus annexation

is required. An application seeking development approval for a 101-lot subdivision to be known as Filbert Meadows was submitted by the applicant on November 22, 2005.

Article 6.030(2) of the Springfield Development Code requires that territories considered for annexation must be provided with "key urban facilities and services", as defined in Metro Plan Policy 8.a, Page II-B-4. Among these key urban services are water, sewer, storm water facilities, streets, electricity, parks, fire/emergency services, and schools. Staff finds, based on analysis, that key urban services are available to serve the territory, with the exception of stormwater management facilities, which are being provided for in an Annexation Agreement which has been negotiated with City staff and the applicant. She discussed how the agreement addressed those issues.

The City Council is authorized by ORS 199.490(2)(a)(B) to initiate annexation upon receiving consent in writing from a majority of the electors registered in the territory proposed to be annexed. According to Lane County Elections, there are no registered electors currently residing within the territory proposed for annexation. Signatures from the property owners have been obtained.

With Council approval, this resolution will be forwarded to the Lane County Local Government Boundary Commission with a recommendation for an expedited process. The Owner requests expedited processing in order to meet an early spring 2006 construction season schedule for construction of subdivision public improvements. If a public hearing is requested on the annexation, it will be held at the April 6, 2006, meeting.

According to the Lane County Regional Land Information database, the 2005 total assessed value of the subject property is \$23,361 and the total real market value is \$511,750. Upon annexation, the property could be developed with residential land uses in accordance with SDC 16.020.

Mayor Leiken opened the public hearing.

No one appeared to speak.

Mayor Leiken closed the public hearing.

Councilor Ballew discussed the difference between the assessed value and market value.

Mayor Leiken thanked staff for working with the developer on this and working through the issues.

IT WAS MOVED BY COUNCILOR WOODROW WITH A SECOND BY COUNCILOR LUNDBERG TO ADOPT RESOLUTION NO. 06-03. THE MOTION PASSED WITH A VOTE OF 6 FOR AND 0 AGAINST.

6. Amendments to the Eugene-Springfield Metro Plan and Public Facilities and Services Plan (PFSP) Project Descriptions and Maps to Address a State Land Use Board of Appeals (LUBA) Remand.

ORDINANCE NO. 6152 – AN ORDINANCE RESPONDING TO THE LUBA REMAND OF PROVISIONS IN ORDINANCE NOS. 6093 AND 6094 AND AMENDING THOSE ORDINANCES BY ADOPTION OF A NEW APPENDIX "B" SHOWING

MODIFICATIONS TO THE EUGENE-SPRINGFIELD METROPOLITAN AREA PUBLIC FACILITIES AND SERVICES PLAN; ADOPTING A SEVERABILITY CLAUSE; AND DECLARING AN EMERGENCY.

City Attorney Meg Kieran presented the staff report on this item. The Council is conducting a public hearing and considering adoption of the attached ordinance in response to a remand decision from LUBA in the matter of The Home Builders Association of Lane County v. the City of Springfield. In that decision, LUBA found that certain amendments to the PFSP's list of projects did not adequately describe the various changes proposed to occur at several of the regional wastewater facility sites. The revised descriptions, which are the subject of this limited hearing, correct the deficiency cited in the remanded decision.

In 2004, City Councils of Eugene and Springfield and the Lane County Board of Commissioners adopted the 2004 Metropolitan Wastewater Management Commission (MWMC) Facilities Plan and associated amendments to the Metro Plan text and the text, tables and maps of the PFSP. The Home Builders Association of Lane County (HBA) appealed all of those actions to LUBA. LUBA upheld all of the Council/Board's actions except for some of the project descriptions included in the PFSP, which LUBA remanded for reconsideration. The proposed ordinance will fulfill the requirements of LUBA's remand by incorporating expanded project descriptions in the appropriate PFSP tables and maps, consistent with information that is already in the record of the public hearing. The projects themselves are unchanged.

Construction of facilities included in the MWMC Facilities Plan cannot commence until the project descriptions in the PFSP are in effect. The proposed descriptions will become effective upon adoption of similar ordinances by Springfield, Eugene and Lane County. See Attachment A for additional discussion and analysis.

Ms. Kieran reminded Council that this was a response to the LUBA decision. She discussed the portions that were remanded and responded to by MWMC. She said LUBA agreed with the HBA that at a minimum, Project 300, Water Pollution Control Facility, must be broken down into a significant public facility project component. In addition, LUBA stated "because we must remand the challenged decision so that respondents may more specifically list and describe the significant public facility projects that are now grouped as Project 300, in any event, we do not consider whether additional specificity is required for Projects 301 and 302. . . . However, it appears as though further breakdowns are possible and may be required under the Goal 11 rule for projects 301 and 302 as well. On remand, respondents must consider that question."

Ms. Kieran said in response to that direction from LUBA, MWMC and City staff amended the Metro Plan's PFSP by breaking down the three projects addressed in the LUBA remand decision into a number of different components. She said the Water Pollution Control Facility, which was listed on page 5 of Attachment 6 included in the Agenda Packet, was broken down into nine projects. The Residuals Treatment Project and the Beneficial Reuse Project had each been broken down into two additional projects. She said in addition, the text of the PFSP added some explanation of what the three major geographic treatment areas are. Ms. Kieran noted that Environmental Services Manager Susie Smith was available for technical questions.

Mayor Leiken opened the public hearing.

1. <u>Roxie Cuellar, HomeBuilder's Association (HBA) of Lane County, 2053 Laura Street, Springfield, OR</u> Ms. Cuellar said most of the issues that HBA had that had statewide

> application were still at the Court of Appeals. She said this particular item was a remand that pertained specifically to MWMC. She said the HBA needed the assurance of having the projects in the Comprehensive Plan because it was the best assurance that the projects they paid system development charges (SDC's) for would be constructed. She discussed Eugene's issues with park, recreation and open space. She said the project descriptions needed to be specific enough to track. She said the HBA believed that what was included in the ordinance met the remand requirements. Ms. Cuellar said she had one concern regarding Project 302, the Reuse Facility. She said in the original PFSP that number was \$25M, but in the 2004 MWMC Facility Plan and project list, the amount was \$20M. On table 16a of the remand, it stated that had been reduced to two projects that totaled \$4.6M and a new line item was added to Project 300 that was now a \$16M Reuse Facility. She was having a hard time determining if that was a different project because it was moved to a different category. She said the PFSP adopted by council did not have a Reuse project that came to \$16M. She said the most expensive one was \$9.8M, which was for community areas, such as golf courses. She said when it was moved to Project 300, that was at the Treatment Facility at River Avenue.

Mayor Leiken closed the public hearing.

Ms. Smith said a breakdown table was provided. When the projects were broken down for further specifically, they needed to be dealt with geographically and functionally. She said they were broken down by aspect or component of the treatment train process they were in. The Beneficial Reuse Project, Project 302 was moved from \$25M to \$4.6M because the new Project 300 included all of the projects components that were at the Treatment Plant site rather than the Reuse site. She said the numbers added up to \$16M for the Reuse Facility components at the Wastewater Treatment Plant site that included the tertiary treatment, the filtration elements that had to be added to the end of the plant to bring the water quality to the level required in order for it to be irrigated to golf courses or other locations. She said it was another part of the treatment train at the Treatment Plan itself that was part of the Reuse component.

IT WAS MOVED BY COUNCILOR WOODROW WITH A SECOND BY COUNCILOR LUNDBERG TO ADOPT ORDINANCE NO.6152. THE MOTION PASSED WITH A VOTE OF 6 FOR AND 0 AGAINST.

BUSINESS FROM THE AUDIENCE

1. Kenneth Raymen, 2150 Laura Street, Space 25, Springfield, OR. Mr. Raymen said he was here to offer a proposal. He said he had contacted the Public Works Department before writing up the proposal to see if the pathway along Pioneer Parkway had a name. He said he was told it was just referred to as Pioneer Pathway. Mr. Raymen's proposal was to designate that pathway as the Rosa Parks Pathway for a number of appropriate reasons. First, Rosa Parks Pathway would lead directly to Martin Luther King, Jr. Parkway just as Rosa Parks' protest lead to the leadership of Dr. King. Second, the pathway would serve as a reminder of those that walked to work, shopping or school in support of the Montgomery bus boycott. Third, on any number of occasions honoring Rosa Parks or Dr. King, individuals of all ages could walk up and down segments of the pathway to express solidarity with the ideals of those honorees. Fourth, Lane Transit District (LTD) could use those occasions to decorate their buses traveling along this route with supportive displays. He said Ms. Parks was a pioneer, so it was appropriate to honor

- her along Pioneer Parkway. He reminded Council that in two weeks, Black History month would begin.
- 2. Michael (Mike) Whitney, President, Rural Thurston Neighborhood Association, 1415 North 66th Street, Springfield, OR. (Mayor Leiken noted that he would allow Mr. Whitney 5 minutes to speak as Mr. Whitney would be speaking for the most part for the Thurston Neighborhood Association.) Mr. Whitney thanked the Mayor and City Council for allowing him to speak. He said he was at the meeting to discuss the Levi Landing nobuild, no-fill zone. He said an agreement was entered into with the City of Springfield, Thurston Neighborhood Association, and the developers of Levi Landing in 2000. Prior to that, the Thurston Neighborhood Association had spoken against the proposed development due to flooding issues. He discussed the flood in 1996 and how it affected the Thurston neighbors in that area even prior to the no build, no fill. He said litigation was entered into to try to stop the development. The Thurston Neighborhood Association, the developer and the City spent a lot of money on the litigation. As a result, the City recommended mediation and arranged for a grant for a mediator. He said it was arduous, but resulted in Levi Landing being built with concessions by the developer and the City of Springfield. He said that mediation agreement was entered into a Settlement Agreement which he provided for the record. He said the Settlement Agreement was very clear as to what could and could not be done in that area. The Thurston Neighborhood Association, the developer and Mike Kelly for the City of Springfield all signed the Settlement Agreement. He discussed some of the concessions including fencing regulations, play structures, and landscaping. He said all of those were put in the deed restrictions. He said the people that bought the lots and houses knew what the restrictions were from the deed. He discussed the notices sent out to Levi Landing residents who appeared to be in noncompliance. Some of those neighbors testified before Council at the November 7, 2005 Regular Meeting. He said during that meeting, several of the Councilors seemed to be more in favor of not enforcing those restrictions. He said that was why the Thurston Neighborhood Association was here, to support the City staff. He said on the front of the mediated settlement was the Thurston Neighborhood Association's rendition of the background of this issue. He said he was here to ask Council to go forward and enforce the property restrictions in the no-fill, no-build zone as they were very concerned about flooding in the Cedar Creek area. He said for the rest of his life, the Council's lives and his children's lives, the Thurston Neighborhood Association and the City of Springfield will have Cedar Creek in common. If the City of Springfield cannot be trusted at their word of what they would do, the Thurston Neighborhood Association would feel there was no need for any type of mediation with the City.
- 3. <u>Brenda Leavitt, 1458 North 66th Street, Springfield, OR</u>. Ms. Leavitt said she was following up with Mr. Whitney's testimony with some photos that showed some of the infractions on the Settlement.
- 4. Fred Simmons, 312 S. 32nd Place, Springfield, OR. Mr. Simmons said he agreed with the two previous speakers. That situation was very complex and the City and developer agreed to do certain things. The City had a responsibility to require conformance with that agreement unless the agreement was flawed. He said the other issue was the Liebert Contract. He said his original concern was that the original space plan analysis done by Mr. Liebert was already close to \$90,000, and this new agreement was for \$86,000. At the bottom of the agreement, there was a notation that the firm hoped the City would hire them for the transition component, which would be additional funding. He noted that he respected the work done by Mr. Liebert and his associates, but he felt the new contract was a way to skate around the contract limitation that was in affect for the first contract.

He noted the cost for the architect and the rising costs of materials, and that he doubted the facility could be built with the dollars available. He said he was concerned about the new contract.

- 5. Rita Castillo, 6825 F Street, Springfield, OR. Ms. Castillo said she had lived and worked in Springfield for twenty-five years. She discussed the Mandatory Rabies licensing issue. She discussed the low rate of licensing compliance in Springfield. She said Council had the responsibility to uphold the law. She said the majority of speakers on the issue in November were in favor of Mandatory Rabies reporting, and the majority who wrote in recently were in favor. She said many of those that spoke before Council had never spoken before Council before, but felt this was an important topic. She said Lane County Animal Regulation Authority (LCARA) had identified 3000 non-compliant dog owners and their experiences reported an 80 percent rate. She said their mechanism was all set up and it saved lives because there was less euthanizing for space and a built-in feature for spay and neuter services. She said the reporting was partly about money and partly about saving lives. She said others that spoke in opposition cited privacy issues, but she felt an innocent life was more important than anyone's privacy. She said those that were in compliance should not have to carry those that were not compliant. She said as a member of the Budget Committee, she questioned why the City did not create their own program. She said the program agreed with three of the Council Goals: Provide financially sound government; Utilize the resources efficiently; and Partner with citizens and other public agencies. She discussed the advantage of increased compliance.
- 6. Scott Bartlett, 1445 East 21st Avenue, Eugene, OR. Mr. Bartlett said he was not here to speak on the Rabies Reporting ordinance. He asked Council to consider alternatives. He said the Task Force met for a year and a half on behalf of the elected officials, as citizens of Lane County, not special interest groups. He said animals were dying and there was an animal overpopulation problem in Springfield and Lane County. He quoted others regarding treatment of animals. He asked Council to consider what Springfield could do to upgrade the whole program in promoting more responsible animal ownership through licensing compliance or increasing support of spay and neutering to prevent animals from being thrown out. He said Council seemed uncomfortable with the Rabies Reporting ordinance. He suggested the City formally ask veterinarians to voluntarily report rabies vaccinations. He discussed ways they could overwrite that with a small increase in license fees. He suggested asking Willamalane to post signage about licensing at their parks. He suggested Council ask the City Manager and staff to work on a comprehensive plan to make Springfield the number one in the County for citizen responsible ownership.
- 7. <u>David Calderwood, 28104 Spencer Creek Road, Eugene, OR.</u> Mr. Calderwood said he understood the public would not be allowed to speak regarding the Rabies Reporting so he did not have something prepared. Mr. Calderwood said he represented the Eugene Kennel Club. He discussed the ordinance and noted that it stated it would go to the Lane County Health Administrator, but it would go to the designee which was LCARA.

City Attorney Joe Leahy said the ordinance was correct because the Lane County Health Administrator could name who it went to, and if that was LCARA, that would be the one to receive it.

Mr. Calderwood said his understanding was that it was LCARA. He said Lane County only spoke on emotion, and no facts. He discussed the issues with the Animal Task Force which included animal rights extremist. He said the breeders were terrified with what they heard in the Task Force. He said there were a lot of things in the document that did not come to light because of the breeders protest. He said he was concerned with

names going into a database. He said there was no overpopulation of dogs, and data received from LCARA indicated that the numbers had gone down each year. He noted that overpopulation was due to feral cats and the Task Force report dealt only with dogs. He said Dr. Mary Whitlock was the veterinarian that originally represented the Lane County veterinarian community on the Task Force. He said she was never quoted by the Chair of the Task Force; however, Dr. Boyden, a member of the Task Force as a citizen, was quoted. Mr. Calderwood said Dr. Whitlock quit the Task Force and Mr. Calderwood felt it was due to the fact that every idea she came up with was shouted down. When Dr. Whitlock quit the Task Force, Dr. Sandra Smalley took over for the Lane County Veterinarians. He said she was also treated unfairly. Mr. Calderwood asked Council not to adopt this ordinance because he felt it did not have anything to do with the facts.

COUNCIL RESPONSE

CORRESPONDENCE AND PETITIONS

- 1. Correspondence from Rita Castillo, 6825 F Street, Springfield, OR Regarding Mandatory Rabies Reporting.
- 2. Correspondence from Alan and Sabree Hamel, 777 Aspen Street, Springfield, OR Regarding Mandatory Rabies Reporting.
- 3. Correspondence from Janetta Overholser, 30300 CG-Lorane Road, Cottage Grove, OR Regarding Mandatory Rabies Reporting.
- 4. Correspondence from Dr. Roberta L. Boyden, 1568 Fairmount Boulevard, Eugene, OR Regarding Rabies Reporting.
- 5. Correspondence from Jack Dresser, 38131 McKenzie Highway, Springfield, OR Regarding Mandatory Rabies Reporting.
- 6. Correspondence from Marie T. Sours, 382B S. 58th Street, Springfield, OR Regarding Mandatory Rabies Reporting.
- 7. Correspondence from Rhonda K. Dolbin, 4725 Daisy Street, Springfield, OR Regarding Mandatory Rabies Reporting.
- 8. Correspondence from Dr. Sheri Schlorman, 345 W. Oregon Avenue, Creswell, OR Regarding Mandatory Rabies Reporting.
- 9. Correspondence from David Calderwood, 28194 Spencer Creek Road, Eugene, OR Regarding Mandatory Rabies Reporting.
- 10. Correspondence from Richard Chandler, 6825 F Street, Springfield, OR Regarding Mandatory Rabies Reporting.
- 11. Correspondence from Rita Castillo, 6825 F Street, Springfield, OR Regarding Mandatory Rabies Reporting.
- 12. Correspondence from Brenda James, 6814 F Street, Springfield, OR Regarding Mandatory Rabies Reporting.
- 13. Correspondence from Scott Bartlett, 1445 East 21st Street, Eugene, OR Regarding Mandatory Rabies Reporting.
- 14. Correspondence from Lorraine Still, P.O. Box 1213, Creswell, OR Regarding Mandatory Rabies Reporting.
- 15. Correspondence from Suzanne K. Arlie, 871 Country Club Road, Eugene, OR Regarding Mandatory Rabies Reporting.
- 16. Correspondence from David Suchart, Director of Management Services, Lane County, 125 East 8th Avenue, Eugene, OR Regarding the Rabies Reporting Ordinance.
- 17. Correspondence from Renee C. Douglas, 37066 Conley Road, Springfield, OR Regarding a Suggestion for a Low Cost, Spay and Neuter Clinic for Springfield.

- 18. Correspondence from Dave Frohnmayer, President, University of Oregon, 1226 University of Oregon, Eugene, OR Regarding Permanent North and South-Bound Ramp Connections at I-5 and Franklin Boulevard.
- 19. Correspondence from Charlotte Behm, 731 Poltava Street, Springfield, OR Regarding the Expansion for I-5/Franklin and/or I-5 Glenwood.
- 20. Correspondence from Boz Van Houten, 3110 University Street, Eugene, OR Regarding Access to Interstate Highway #5 Near Eugene, Springfield, and Glenwood.
- 21. Correspondence from Mary Ann Holser, 2620 Cresta De Ruta Street, Eugene, OR Regarding McKenzie Willamette/Triad Certificate of Need Hearing for the Hilyard Site Expansion in Eugene.
- 22. Correspondence from Shannon Wilson, 3920 E. 17th Avenue, Eugene (Glenwood), OR Regarding a Proposed Bike/Pedestrian Path on 14th Avenue through Glenwood Boulevard in Glenwood.

Councilor Lundberg called out the letter regarding the Fire and Life Safety Fees from James Daubenspeck, item #23. She asked to have staff response to both the Council and Mr. Daubenspeck.

Ms. Pappas said staff would prepare a response for Council's Communication Packet next week and for Mr. Daubenspeck.

23. Correspondence from James Daubenspeck, 2579 Castle Drive, Springfield, OR Regarding Possible Proposed Fire Engine Response Fees.

IT WAS MOVED BY COUNCILOR WOODROW WITH A SECOND BY COUNCILOR LUNDBERG TO ACCEPT THE CORRESPONDENCE FOR FILING. THE MOTION PASSED WITH A VOTE OF 6 FOR AND 0 AGAINST.

BIDS

ORDINANCES

BUSINESS FROM THE CITY COUNCIL

- 1. Committee Appointments
 - a. Mayor/Council Committee Assignments.

Mayor Leiken confirmed the Mayor/Council committee assignments as noted in the attachments included in the agenda packet.

b. Re-Appoint the Springfield Chamber of Commerce Nominees to the Lane Workforce Partnership Board.

Community Services Manager John Tamulonis presented the staff report on this item. The Lane Workforce Partnership requested these nominees from the Springfield Chamber of Commerce be re-appointed to their position as required under the federal organization. Federal regulations guiding the Partnership require the City of Springfield to appoint from business nominations made by the Chamber of Commerce.

The Lane Workforce Partnership is charged with directing the operation of local employment and training programs funded under the Work Force Investment Act (supplanting the Job Training Partnership Act). Lane Workforce Partnership serves annually over 5,000 Lane County residents and about 450 businesses. It has an annual budget of about \$5 million. Federal regulations require the City seek nominations from general-purpose business organizations (the Springfield Chamber in our case) for business appointments. The appointees must be business owners or managers in Springfield, but need not be City residents.

Councilors Ballew and Lundberg said all three had been doing an outstanding job. They asked staff to thank the representatives.

IT WAS MOVED BY COUNCILOR WOODROW WITH A SECOND BY COUNCILOR LUNDBERG TO RE-APPOINT ROSEMARY PRYOR, JERI RAY AND ANNIE SAKAGUCHI AS SPRINGFIELD BUSINESS REPRESENTATIVES TO THE LANE WORKFORCE PARTNERSHIP BOARD OF DIRECTORS WITH A TERM EXPIRING DECEMBER 31, 2008. THE MOTION PASSED WITH A VOTE OF 6 FOR AND 0 AGAINST.

2. Business from Council

a. Committee Reports

1. Councilor Ballew reported on the Metropolitan Policy Committee (MPC) Meeting. She said she would be joining Mayor Piercy, Jane Lee from ODOT and representatives from Lane Transit District (LTD) and Lane County in an effort to find a facilitator that was acceptable to the group regarding finding resolution to the West Eugene Parkway (WEP). She said when the Eugene Council took action that did not support continuation of the WEP, it meant the other projects would not move forward. Eugene later approved projects through June of 2006, while the committee worked on a facilitated resolution of the WEP with representatives of the Federal Highway Administration in a parallel process.

Councilor Lundberg said there was no sense of what the resolution might look like and was unknown. She noted the other alternatives that had been explored over the years and that it might be difficult to come up with something new. She said it was frustrating that the WEP had become a black eye on all three jurisdictions. She said projects would be moved forward. She said she would like to know who would be paying the Oregon Department of Transportation (ODOT) back if the WEP was not built. She said she was sorry this issue had gone on so long and in such a contentious way.

Councilor Ballew said no agency was willing to abide by the facilitator's decision, so no resolution might actually be found.

Mayor Leiken said when the possibility of new interchanges into Glenwood were first discussed, the State recommended it be noted as a Springfield project in order to have an opportunity for it to succeed.

2. Councilor Ballew said she attended the Freight Advisory Committee meeting in Salem last week.

Mayor Leiken said he had the opportunity to participate in the Northwest Christian College Martin Luther King (MLK), Jr. Celebration. He noted that Steadman Graham was the speaker. He said the Pearl M. Hill award was presented to the Assistant Principal of Springfield High School (SHS), Carmen Gelman. He said she had an incredible story of overcoming perseverance. Not long ago she was homeless and raising three kids, and she now has a Master's Degree and is Assistant Principal. Mayor Leiken said he offered a proclamation thanking her for her continued efforts with SHS and the students.

3. Councilor Fitch read a statement announcing that she would not be running for reelection for her ward position. She said participation in the Springfield City Council
had been inspiring, challenging, fun and rewarding. She said she had reflected on the
City of Springfield and the journey they had embarked on for the future. She referred
to the seven years she had served on the Council and noted that the fellow councilors,
Mayors and quality staff had made the numerous meetings bearable and fun. She
said she had talked to her husband, Mike about the upcoming election in May and
came to the decision not to seek re-election to her Council seat. She said there were
many wonderful and talented individuals in Ward 2 who would be a great addition to
the City Council as the City moved forward responding to the many opportunities
that would result in new successes. She said she looked forward to completing her
term and supporting the next Councilor elected to represent Ward 2.

BUSINESS FROM THE CITY MANAGER

1. Council Goals and Targets.

Interim City Manager Cynthia Pappas presented the staff report on this item. On December 5, 2005, Council met for their annual Goal Setting Session. During that meeting, Council reviewed and discussed their Council Goals and One Year Targets. Council made the following changes to their Five Year Council Goals:

- 1. Provide financially sound, stable city government.
- 2. Utilize resources efficiently and effectively to meet citizen needs for core services.
- 3. Expand the Springfield economy through commercial and industrial development which creates family wage jobs.
- 4. Enhance Springfield's safety by constructing the Justice Center Increase public safety in Springfield.
- 5. Participate in a renaissance for Springfield. Facilitate the redevelopment of Springfield.
- 6. Partner with citizens and other public agencies to leverage resources.
- 7. Preserve our hometown feel as we grow.

Council made several changes to the One Year Targets and also asked to have the categories "Top Priorities" and "High Priorities" combined under the heading "Council Priorities". These changes are shown in legislative format on Attachment I.

Ms. Pappas said once the final Council Goals were approved by Council, staff would have them put on a framed sign for display in the Council Chambers.

Councilor Ballew noted that she did not support the Conference Center. She said the Targets were looking more like the Gold Stars list and were almost overwhelming. She said she would like to see the list shortened and would be willing to work on shortening it and delay approval.

Ms. Pappas suggested leaving the titles in the document. She said Councilor Ballew could help in reducing the document or could direct staff to work on editing the details.

Councilor Lundberg noted that it would be nice to have a condensed version that the public could see that didn't have everything in detail, but more simple.

Councilor Fitch suggested Council adopt the Targets as written, but come up with a one page summary.

Councilor Ralston asked about making a change in one of the goals.

Council determined to leave the goal as it was written.

Councilor Ballew said she would be willing to adopt the Goals and Targets, but would like to see it condensed.

IT WAS MOVED BY COUNCILOR WOODROW WITH A SECOND BY COUNCILOR LUNDBERG TO APPROVE FINAL COUNCIL GOALS AND TARGET AS AMENDED. THE MOTION PASSED WITH A VOTE OF 6 FOR AND 0 AGAINST.

2. Rabies Vaccination Reporting to Lane County Health Administrator.

ORDINANCE NO. 5 - AN ORDINANCE CONSENTING TO THE APPLICATION OF LANE COUNTY ORDINANCE 19-04 WITHIN THE CITY LIMITS OF THE CITY OF SPRINGFIELD TO REQUIRE THE VETERINARIAN PERFORMING A RABIES VACCINATION OF ANY DOG TO TRANSMIT A COPY OF THE RABIES VACCINATION CERTIFICATE TO THE LANE COUNTY HEALTH ADMINISTRATOR.

Police Chief Jerry Smith presented the staff report on this item. Council discussed this issue at the October 10, 2005 work session and conducted a public hearing in which testimony was received on November 28, 2005.

On December 12, 2004 Lane County adopted an ordinance which requires veterinarians to report to Lane County Animal Regulation Authority (LCARA) information regarding dogs that receive rabies vaccinations. LCARA then uses that information to check that dogs receiving vaccinations also have County dog licenses, and if not, to enforce compliance.

We have received a letter from LCARA requesting a resolution from Springfield Council enabling enforcement of that ordinance in Springfield. Although the details are not yet in writing, it is our understanding that LCARA wishes to take over sole responsibility for licensing dogs, and that revenue from that licensing could be split with the City on roughly a 60/40 basis, with 40% coming to the City of Springfield. LCARA believes that this program will greatly increase licensing compliance.

Captain Rick Lewis of the Springfield Police Department has participated on a County animal control work group over the last two years and reports that local veterinarians are generally opposed to this approach to license enforcement.

The City of Springfield is currently responsible for licensing dogs and historically generates between \$16,000 and \$22,000 annually although this last year the city generated approximately \$25,000. That revenue is used to offset the \$42,000 annual contract for animal shelter services at LCARA.

Chief Smith said this was a public policy issue on whether or not Council desired a requirement imposed on veterinarians to report when they vaccinate a dog to Lane County. He said beyond that, the City could work out agreements with LCARA on whether or not they would take over the licensing or the City would retain that responsibility.

Councilor Pishioneri said he would be present to listen to testimony, but would not be participating in a vote based on a potential conflict of interest.

Councilor Woodrow said this had been an ongoing issue. He said he would be asking staff during the Friday Agenda Review meeting to look at potential improvements to the compliance issue for licensing. He said it was not an emotional issue, but was an economic issue. There was a State law and a City law that rabies vaccinations were mandatory and dog licensing was mandatory, but there was a lack of compliance. He would like to work with the Police Chief and Animal Control staff to find a means to improve the compliance.

IT WAS MOVED BY COUNCILOR WOODROW WITH A SECOND BY COUNCILOR LUNDBERG NOT TO ADOPT ORDINANCE NO. 5.

Councilor Ballew asked if nothing would be done if the ordinance did not pass.

Councilor Woodrow said it would mean that the City of Springfield would not join in with Lane County and require Springfield veterinarians report to Lane County when they administer rabies vaccination. He said he would work with staff to see if there was something that could be brought back for Council that would improve licensing.

Councilor Ballew said she could support that, but she wanted something brought back very quickly. She said people needed to be more accountable in licensing their dogs because those that complied were carrying those that were not. She said having a dog was not a right, but a responsibility.

Councilor Ralston read from some of his notes taken during the public hearings. He said this issue was not about public safety, but about revenue. He said it was not about rabies, because that was not a problem. He said he felt people would go outside of the area to get their pets vaccinated. He said Springfield veterinarians were increasing business because Eugene had passed a similar ordinance. He said he was proud that Springfield did things differently than Eugene. He discussed concerns about a database and the limit on number of dogs in Eugene and Springfield. He said the government didn't need to know everything going on in citizen's homes. He said if the issue was looking out for the welfare of pets, owners should take better care of their pets. He said he didn't let his dog run out in the yard where it could get lost, stolen or hit by a car.

Councilor Lundberg said she would like Springfield deal with our own animal issues. She agreed with working on the compliance issues on our own. She said she was interested in looking at the issue of overpopulation and how that could be addressed. She said there needed to be more options for people and recommended working with the veterinarian. She said it was important to make it convenient for people. She was in favor of looking at ways to help with the animal situation in Springfield, but felt Springfield did the best when doing it on their own.

Councilor Ballew said if the licensing fees didn't cover the cost, other citizens were paying for the service. She said if someone had a pet, they should be paying for it to be licensed. She said she would vote against the motion to make a point that she wanted some options brought back to Council soon.

Councilor Woodrow restated his motion:

IT WAS MOVED BY COUNCILOR WOODROW WITH A SECOND BY COUNCILOR LUNDBERG TO NOT ADOPT ORDINANCE NO. 5. THE MOTION PASSED WITH A VOTE OF 4 FOR, 1 AGAINST (BALLEW) AND 1 ABSTENTION (PISHIONERI).

3. Springfield Participation in Regional Radio Project.

Police Chief Jerry Smith presented the staff report on this item. The City of Springfield has the opportunity to participate in a regional radio project to design and implement a shared radio system, as described in Attachment A. Funding for the project comes primarily from a \$3 million dollar COPS grant recently awarded to the City of Eugene. By participating in the grant project, the City of Springfield is budgeted to receive over \$250,000 in new radio equipment (portable and mobile radios) for the Police Department, in exchange for a \$95,000 match contribution spread over the next 3 fiscal years. In addition, participating in this project will enable the Public Works Department to replace their radio system, which is outdated and in need of replacement, with the portable and mobile radios currently used by the Police Department, resulting in a system that is shared by both departments. This will allow better communication not only on a daily basis, but in emergencies.

One of the first steps in this project will be to develop an intergovernmental agreement between the cities of Springfield and Eugene, along with Lane County and EWEB. The IGA will specify partner roles and expected costs during the design and implementation phase of this project. The IGA will further specify that, as part of the implementation effort, the partners will work to establish a regional planning and governance structure for on-going system maintenance and development costs.

The Police Department will act as the lead agency for the City of Springfield in this effort, with significant input and assistance from the Public Works Department.

Chief Smith said the concepts and initial steps for this plan had been discussed with, and had received the approval of the Mayor and the City Council President.

Councilor Pishioneri asked if there were issues regarding sensitive information that could get shared inadvertently when integrating systems.

Chief Smith said the possibility did exist if someone got on the wrong channel. He said it was a trunk system with user groups. Public Works would be on a separate channel and should not be connected when a Police Officer was running a check on someone they pulled over.

Councilor Pishioneri asked if the shared channel or emergency channel would be used for normal traffic issues.

Chief Smith said they would be separate channels. He said Public Works would not be accessing the frequencies that were normally used by Police where sensitive information could be transmitted. He said that did not eliminate the possibility of human error, but it was pretty unlikely it would occur.

Councilor Pishioneri said he was concerned about the agreement with Law Enforcement Data System (LEDS) and the information traveling through LEDS.

Chief Smith said he thought they could minimize or eliminate that risk.

Councilor Ballew said some years ago there was an issue of the Federal Government giving away the band widths and she asked if that was still a problem.

Chief Smith said it was not a problem with this type of system. He said with the current system it could happen. He explained.

Councilor Ballew said it didn't appear the Fire and Life Safety (F&LS) was integrated into this system.

Chief Smith said F&LS would be included. He said F&LS and the State Police were on VHF systems and Lane County, Eugene and Springfield Police were all on UHF systems. He said mechanisms could be devised to allow the two systems to talk back and forth.

Councilor Ballew said it would be nice if all could be integrated into the same system.

Chief Smith said that was the goal, but they would be able to talk with F&LS.

Mayor Leiken said it was a great start. He noted the importance of Public Works being tied into the system because they were an integral part when it came to any type of disaster. He said it was important to attach ourselves to any grant funds since the Homeland Security Funds were decreasing. He explained the new policy for Homeland Security Funds.

IT WAS MOVED BY COUNCILOR WOODROW WITH A SECOND BY COUNCILOR LUNDBERG TO APPROVE PARTICIPATION BY CITY OF SPRINGFIELD IN A REGIONAL EFFORT THAT WILL UPGRADE RADIO SYSTEMS FOR THE POLICE DEPARTMENT AND THE PUBLIC WORKS DEPARTMENT. THE MOTION PASSED WITH A VOTE OF 6 FOR AND 0 AGAINST.

4. TEAM Springfield Signature Project.

Interim City Manager Cynthia Pappas thanked Council for their patience in sitting through this lengthy meeting. She said that during the TEAM Springfield meeting on Saturday, January 21, one of the agenda item was called Signature Project. She said it was being suggested that the

TEAM Springfield partners focused on one signature project. Council and other TEAM Springfield members would have an opportunity to brainstorm that project.

Mayor Leiken noted the success in MeadowPark with TEAM Springfield coming together to make it happen as one of the first signature projects that TEAM Springfield participated in as a group. He said it made more sense to focus on one signature project rather than many projects.

BUSINESS FROM THE CITY ATTORNEY

Councilor Woodrow expressed his appreciation to Councilor Fitch for all of her work on the Council over the last seven years and the help she had been to him in the last two years since he joined the Council. He said he was sorry she would be leaving.

Councilor Fitch said she would finish out her term through the end of December 2006, but wanted to give others plenty of time to file and campaign for the position.

ADJOURNMENT The meeting was adjourned at 8:55 p.m. Minutes Recorder Amy Sowa Sidney W. Leiken Mayor Attest: City Recorder